28

HIGH COURT OF CHHATTISGARH AT BILASPUR
Writ Petition No. 296 of 2002

Petitioner — Mohar Das Kuldeep S/o. Sukdas, Resident of Ward No. 14, Danteshwari Para, Adersh Chowk, Dongargarh, Distt. Rajnandgaon (C.G.)

Versus

Respondents
1. Presiding Officer, Labour Court, Rajnandgaon (C.G.)
2. Divisional Forest Officer, Production, Forest Division, State of M.P. (now C.G.) Post Office Khairagarh, Distt. Rajnandgaon (C.G.)

SB : Hon'ble Justice Shri Satish K. Agnihotri

Present: Mr. H.B. Agrawal, Senior Advocate with Mr. J.K. Gupta, Advocate for the petitioner.
Mrs. Anju Ahuja, Dy. Govt. Advocate for the respondent No. 2.

ORDER

(Passed on this 4th day of May, 2007)

1. According to learned counsel appearing for the petitioner, the petitioner was appointed as Chowkidar on temporary basis in the year 1985. Engagement of the petitioner was discontinued on 25.3.95 (Annexure R/2).
2. Being aggrieved, the petitioner raised a dispute which was referred to the Labour Court, Rajnandgaon and registered as Case No. 26/I.D. Act /Ref./99. The Labour Court vide order dated 27.7.2001 (Annexure P/3) directed reinstatement with 25% back wages
3. The petitioner has filed this petition impugning the order dated 27.7.2001 passed by the Labour Court to the extent of grant of 25% back wages on the ground that no reasons have been assigned for denial of full back wages.
4. Be that as it may, it is well settled principle of law that if a person appointed on temporary basis without following proper scheme of the

(29)

employment, the said employee has no right to the post and the employment is violative of the Articles 14 and 16 of the Constitution of India. The employees working on daily wages basis or in temporary capacity are not entitled to any back wages as their employment itself is on day to day basis or on temporary basis. However, since the Labour Court has granted 25% back wages, at this stage, I am of the opinion that it is not necessary to go into the issue of grant of 25% or more back wages.

5. Thus, this petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

B/-